

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 11-mc-51441

v.

HON. GEORGE CARAM STEEH

MONTHA BARASH,

Defendant,

and

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
INCOME TAX DIVISION,

Garnishee.

_____ /

ORDER QUASHING GARNISHMENT

On November 10, 2011, the government filed an application seeking a writ of garnishment upon the judgment entered against defendant in her criminal case, Case No. 08-CR-20532, in the amount of \$52,449.00, plus post judgment interest at a rate of 0%. The sum of \$7,230.00 has been credited, leaving a balance of \$45,219.00 as of November 10, 2011. The garnishee is the Michigan Department of Treasury. On November 21, 2011, the clerk issued the writ of garnishment. Defendant was served with the application on November 22, 2010. On December 20, 2011, defendant filed a request for hearing on plaintiff's request for garnishment. Defendant argues the government is in possession of cash and other assets which were seized from defendant and her co-defendants which defendant believes have sufficient value to satisfy the judgment. Defendant therefore argues the government's request to enforce the judgment by way of garnishment should be denied. She also states she entered

into a payment agreement with the government through the probation department and that she has not defaulted on that agreement. She therefore argues garnishment is inappropriate. Defendant did not file a response to plaintiff's request. The court held a hearing on January 11, 2012. For the reasons stated at the hearing, and given the amount of the judgment debt outstanding in comparison to the assets seized, the court believes the government should defer collection until a decision is made regarding the disposition of seized assets. The court therefore GRANTS plaintiff's request and QUASHES the garnishment issued in this case.

SO ORDERED.

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: March 13, 2012

CERTIFICATE OF SERVICE

A copy of this Order was served on the parties on March 13, 2012, by CM/ECF filing.

S/Marcia Beauchemin
Deputy Clerk